

**SENATE FLOOR VERSION**  
April 5, 2016  
**AS AMENDED**

ENGROSSED HOUSE  
BILL NO. 2637

By: Wallace, McCall and Kern of  
the House

and

Silk, Brecheen and Dahm of  
the Senate

[ game and fish - Hunting Freedom Act -  
noncodification - effective date ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Hunting Freedom Act".

SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-201, as last amended by Section 1, Chapter 245, O.S.L. 2015 (29 O.S. Supp. 2015, Section 5-201), is amended to read as follows:

Section 5-201. A. Except as otherwise provided for in this section, no person may utilize at any time, for the purpose of killing or capturing any game mammal, game bird, nongame bird or exotic wildlife, the following means:

1       1. Any trap, net, snare, cage, pitfall, baited hook or similar  
2 device;  
3       2. Any drug, poison, narcotic, explosive or similar substance;  
4       3. Any swivel or punt gun of greater calibre than ten (10)  
5 gauge;  
6       4. Any device which generates electricity; or  
7       5. Any device which noticeably suppresses noise from a firearm,  
8 commonly known as a suppressor or silencer unless it is registered  
9 in compliance with the requirements of federal law.

10      B. Except as otherwise provided for in this section, no person  
11 shall hunt wildlife or exotic wildlife by computer-assisted remote  
12 control hunting.

13      C. Except as otherwise provided for in this section, no person  
14 shall engage in any activity that provides, sells, offers for sale,  
15 assists in, or provides facilities for computer-assisted remote  
16 control hunting of wildlife or exotic wildlife.

17      D. The following persons shall be exempt from the prohibition  
18 in subsection A of this section:

19       1. The Director, departmental employees and authorized agents  
20 when capturing wildlife for propagation or management purposes;

21       2. Any person, group or governmental agency the Director may by  
22 written permit authorize, where any species of nongame birds are  
23 causing a nuisance or undue economic loss, as may be determined by  
24 the Director. Such permit shall state the method of control and

1 specific procedures and conditions as may be deemed appropriate by  
2 the Director;

3 3. Any person possessing a scientific purposes license under  
4 Section 4-118 of this title;

5 4. Employees of the Oklahoma Department of Agriculture, Food,  
6 and Forestry Wildlife Services Division and the United States  
7 Department of Agriculture Wildlife Services while engaged in  
8 wildlife management activities for the protection of agriculture,  
9 property, human health and safety and natural resources; or

10 5. Any person using nonlethal, nonchemical capture or restraint  
11 of animals on licensed commercial hunt areas for management, viewing  
12 or photographic purposes.

13 E. ~~1. The following persons shall be exempt from the~~  
14 ~~prohibition specified in paragraph 5 of subsection A of this~~  
15 ~~section:~~

16 a. ~~any person hunting on property owned by the person,~~  
17 and

18 b. ~~any guest or other person hunting on property with the~~  
19 ~~permission of the owner of the property.~~

20 2. Nothing in this ~~subsection~~ section shall be construed to  
21 exempt any person using a device as described in paragraph 5 of  
22 subsection A of this section from the requirements and provisions of  
23 ~~the National Firearms Act and~~ federal law, federal regulations and

1 federal tax requirements for lawful use of a weapon as described in  
2 paragraph 5 of subsection A of this section the device.

3       F. A person shall be exempt from the prohibition in subsection  
4 B of this section if the person is permanently physically disabled  
5 so that the person is physically incapable of using a firearm,  
6 crossbow, or conventional bow as certified in writing by a physician  
7 licensed to practice medicine. A person who has received  
8 certification as provided for in this paragraph shall have in their  
9 possession written evidence of the certification while in the field  
10 hunting.

11       G. A person shall be exempt from the prohibition in subsection  
12 C of this section if the person is engaged in providing facilities  
13 for, assisting in, selling, or offering for sale a computer-assisted  
14 remote control hunting activity for a person who is physically  
15 disabled as described in subsection F of this section. The  
16 physically disabled person shall be physically present where the  
17 hunting activity is occurring and be in control and operating the  
18 computer-assisted remote control means to take wildlife or exotic  
19 wildlife.

20       H. 1. Any person convicted of violating the provisions of  
21 subsection A of this section shall be punished by a fine of not less  
22 than One Hundred Dollars (\$100.00) nor more than Five Hundred  
23 Dollars (\$500.00).

1       2. Any person convicted of violating the provisions of  
2 subsection B or C of this section shall be punished by a fine of not  
3 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five  
4 Hundred Dollars (\$500.00) or by imprisonment in the county jail not  
5 exceeding one (1) year, or by both the fine and imprisonment. In  
6 addition, the court may order that the hunting or fishing license  
7 and privileges of any person convicted of violating the provisions  
8 of subsection B or C of this section be revoked for a period of not  
9 less than one (1) year but not exceeding five (5) years. The cost  
10 of reinstating a hunting or fishing license revoked pursuant to this  
11 subsection for residents shall be Two Hundred Dollars (\$200.00) for  
12 each license and for nonresidents shall be Five Hundred Dollars  
13 (\$500.00) for each license. The reinstatement fee shall be in  
14 addition to any other fees required for the hunting or fishing  
15 license.

16       3. Any person convicted of a wildlife offense which involves a  
17 species of wildlife listed in Section 5-411 of this title, involves  
18 a species of wildlife referenced in Section 5-412 of this title or  
19 involves the unlawful possession, taking or killing of the wildlife  
20 from an unlawful hunt, chase, trap, capture, shooting, killing or  
21 slaughter while using a suppressed firearm during the commission of  
22 the wildlife offense, in addition to any other penalty otherwise  
23 provided for in law, shall be punished by a fine of not less than  
24 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars

1 (\$1,000.00) or by imprisonment in the county jail not exceeding one  
2 (1) year, or by both the fine and imprisonment. In addition, the  
3 court may order that the hunting or fishing license and privileges  
4 of the person be revoked for a period of not less than one (1) year  
5 but not exceeding five (5) years.

6 SECTION 3. This act shall become effective November 1, 2016.

7 COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE  
April 5, 2016 - DO PASS AS AMENDED

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